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EXAMINER

FISCHETTI, JOSEPH A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/85,978

Applicant(s)

BATTY ET AL.

Examiner

Joseph A. Fischetti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/13/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) 23-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Newly submitted claims 23-26 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 1 does not recite the use of a template, nor does it recite a BPP module. Applicant alleges that the recitation of a bill and presentment payment application is an module. However, the examiner disagrees. An "application" can be read as implemented by hand. Second, the template recited in the independent claims is irrelevant to the subject matter of the independent claims which define the invention. Accordingly, claims 23-26 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. FINAL

Claim Rejections - 35 USC § 112

Claims 1, 3-5, 21, 22 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claim 1 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the specification on page 10, line 12, requires that billers be enrolled by the customer. At the point of enrollment in the instant invention, and in direct contradiction to the statement and claim language of the reply dated 12/15/04, applicant does have to identify a billing entity in order to enroll the billers which it wished to have participate.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,4,22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pickering in view of Applicant's Admitted Prior Art. Pickering discloses a computer implemented billing method associated with a plurality of billing entities, the method comprises:

executing a single instance of a bill presentment and payment application for (Pickering step 21 single customer billing statement is generated lines col. 4, 41, 42):

receiving in a computer an electronic billing request from a customer (applicant's admitted prior art discloses "customers can view bills on-line, often at any time of day and at any point during the billing cycle". In Pickering, once the billers are enrolled, billing entities are no longer required to be identified - the identification is automatic as shown in Fig. 4; providing to the customer, bill summary information for each of the plurality of billing entities (Pickering col. 4, line 41 et seq. the single customer billing statement is generated); receiving from the customer requests for detailed billing information for each of the plurality of billing

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entities (applicant's admitted prior art discloses "customers can view bills on-line, often at any time of day and at any point during the billing cycle"), and Pickering separately retrieves and presents to the customer (col. 4 line 41 the reported charges are processed) detailed billing data associated with each of the plurality of billing entities. However, Pickering statement does not react to a request but rather is generated by the consolidator after all the charges are in.

However, Applicant's admitted prior art does disclose "customers can view bills on-line, often at any time of day and at any point during the billing cycle". It would be obvious to modify the method of Pickering to include the anytime request feature of AAPA such that a single instance of the bill presentment and payment application can be made. The motivation for this modification would be that it would give people the opportunity to know what the accruing charges are at any given time thus give them a better understanding of their financing.

RE claim 3: Pickering discloses populating the fields of the individual templates (a template is read as the field extending horizontally across the screen shown in Fig 4 from each company's name and is customized by the icons selected for that biller); Pickering populates each display template with retrieved data each associated with the respective biller see col. 4, line 38, data is received and processed in to Fig. 4; since each horizontal field segregates the data to a respective firm, this is read as "displaying the detailed billing data to the customer via the populated templates".

RE claim 4. Official Notice is taken regarding the old and notorious use of HTML language.

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RE claim 22: the billing data in Pickering is collected in a database and then processed a one time.

Claims 5, 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pickering and AAPA as applied to claims 1,3,4,22 above, and further in view of Hilt et al. Hilt et al disclose retrieving detailed billing data includes identifying an implementation object associated with each of the plurality of billing entities (implementation object is read as the BRN of the biller), invoking the implementation object associated with each of the plurality of billing entities (message 124 references the biller BRN), invoking the implementation object associated with each of the plurality of billing entities to generate an interface for each of the plurality of billing entities (the BRN is used to pass the interface data file 40 between bank to biller), and retrieving, by the interfaces, detailed billing data associated with each of the plurality of billing entities (BRN is used to retrieve via interface file 40 data for each biller). It would be obvious to modify the above combination to include the implementation/interface feature of Hilt et al. because this allow independent reporting of the separate accounts.

RE claim 21: the billing data is retrieved directly from the billing entity in Hilt et al.

FINAL REPLY

Applicant's arguments filed in his last response have been fully considered but they are not persuasive. Applicant argues in page 6 of his response that "the

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examiner has conceded that 'the [Pickering] invention is different from what is defined in the claim(s) because the claims state that the billing request is made without identifying billing entities' ". The Examiner takes sharp exception to this misapplied quotation which he set forth in the reply to the Restriction

Requirement arguments and **NOT to the 103 Rejection** in which Applicant is ^{9/14} wrongly asserting. Nowhere in the examiner's remarks regarding the restriction is Pickering ever mentioned. Applicant is cautioned about misconstruing examiner statements on the record. The only admission made by the examiner against Pickering is the statement of the last office action occurring at page 4 lines 9-11, and nothing more.

Applicant argues that the teaching of Hilt et al. fails to cure the deficiencies of both Pickering and AAPA. However, This is not what the reason for which the Hilt et al. reference was cited. It was cited to meet the limitations of claims 5 and 21 for which no arguments were advanced. It was explained in the last office action that the feature of receiving an electronic billing request from a customer without identifying any billing entities is met by Pickering because once the billers are enrolled, the billing entities are no longer required to be identified . Thus this limitation cannot be argued by applicant as not having been addressed.

The 122 2d rejection stands because the examiner maintains that the further disclosure on page 10 that the summary include the biller's name is tantamount to foreclosing the claim to that embodiment. In addition, this language is so broad as to encompass the initial enrolling step which means that

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forever the billing request will be identify the billing entities otherwise the summaries could never be created.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.

JOSEPH A. FISCHETTI
PRIMARY EXAMINER

Joseph A. Fischetti
Primary Examiner
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